

**NHDES Wetlands Program Rulemaking & Process Improvement Effort**  
**2014 Spring Listening Session – Nashua**  
**April 14, 2014**

**Comments from Participants**

- Agents greatly appreciate the opportunity for pre-application meetings, BUT may not be necessary for every project. Perhaps there could be a checklist of requirements to submit for preliminary review and DES staff only call for a pre-application meeting if deemed necessary?
- Appendix B (from the Army Corps of Engineers) is helpful in clarifying what is expected under the Programmatic General Permit - could you have a similar thing for stormwater management and mitigation (any area where federal and state jurisdiction and requirements overlap)?
- As a PE, there is concern about stamping a plan for permitting purposes without including a caveat that it is "not for construction; for permitting only" because plans inevitably get changed as designs change. How to address DES desire for a final plan to approve but recognize that design changes will happen all along? Could applicants certify that impacts and footprints won't change from what is approved per the permit? There is concern that the wrong plan will get into the hands of a contractor (i.e., they will use the DES-approved plan versus the final design plan)
- Beware of adding additional complexity with respect to other additional requirements within the wetlands review process (e.g., stormwater management) - be very clear about how DES will address such "additional" issues within the wetlands review process
- Consider a process starting with resource impacted first, then the activity to be done for determining requirements & applicability of the rules
- Could there be some accommodations for projects that were approved in '06-'08 but not built due to the economic conditions? Some relaxation in the application of new rules and requirements?
- Decision trees are helpful, particularly for lay persons
- Define the period of validity for a wetland delineation
- Existing 20 questions don't flow well - they are "clunky" - perhaps a narrative form of response might work better
- Federal mitigation requirements seem different from the state requirements, this is confusing.

- Forms in word are clunky and difficult to work with - end up filing them out and having to export them to get them to print; need someone VERY experienced in developing forms to prepare these documents
- Having a pre-qualification step for mitigation proposals makes some sense
- How do we protect what is left of our coastal resources and allow for the migration of resources inland with rising sea level?
- It is a pain to have an application pre-signed and submitted through the town - particularly for linear projects involving multiple towns - it should only be submitted by ONE town
- It is a pain to provide an 8 1/2 x 11 sized plan to the Army Corps of Engineers, couldn't we just provide an electronic copy?
- It is really important that the webpage be clear and that it is EASY to find what you need; not easy now to find a correct phone number or the decision trees to determine applicability
- It would be better not to require a specific type of functional assessment method but rather to require the applicant to justify the use of the method they have applied. This would allow for the method used to change as methods evolve over time, and to be better suited to the particular project and situation.
- Make rules as succinct as possible vs broad and complex; complex rules and processes will decrease the overall level of compliance
- Rules should be searchable by topic and/or key word (see CT's master table with live links). It is not easy to figure out requirements and options under rules now
- Should have a very coordinated process with Army Corps of Engineers and Federal Agency processes; now can be unpredictable, especially with mitigation requirements
- Should have a waiver process for "prohibited" activities - but really should be a different word, perhaps "subject to higher criteria for review"
- Stormwater management can be complicated to figure out for a project. There should be consistency between what is required at the state and federal levels for stormwater management.
- The cost of preparing a wetlands application and providing mitigation can be very high for infrastructure repair and replacement that "has to happen;" Could there be a different process or different requirements for these types of infrastructure projects?

- The Division of Historic Resources has more influence on the schedule than wetlands issues - is there a way to improve the relationship between the Army Corps of Engineers and DHR to facilitate the review process?
- The mitigation ratios for impacts to stream banks seem disproportionate higher, particularly for linear projects